

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Cedric Wise, #312547,)	
)	
Petitioner,)	C.A. No.: 6:07-2743-RBH
)	
vs.)	O R D E R
)	
Warden, Lee Correctional Institution,)	
)	
Respondent.)	
)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge William M. Catoe, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections have been filed to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

In Magistrate Judge Catoe's Report and Recommendation, he recommended "that respondent's motion for summary judgment be granted and the petition be dismissed with leave for the petitioner to submit either a new petition that contains only grounds as to which state remedies have been exhausted, or to complete exhaustion as to all grounds before submitting another federal petition." The Attorney General's Office docketed [docket entry #29) a Supplement to Return and Memorandum of Law in Support of Motion for Judgment with attachments, indicating that the Supreme Court had denied the PCR appeal on January 23, 2008 and issued a Remittitur on February 8, 2008, and leaves to the Court's discretion how the case should proceed.

After a thorough review of the Report and Recommendation and the record in this case, and in the interest of judicial economy, this Court recommits the Report and Recommendation back to Magistrate Judge Catoe for further action.

IT IS SO ORDERED.

S/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 7, 2008